

**RULE 1402 FEE SCHEDULE FOR APPOINTED CRIMINAL CASES-GENERAL**

**1402a Representation - Criminal Complaints**

- 1402a(1) Arraignment on felony complaint, entry of initial plea, conference with defendant, discovery, all court appearances except per Rule 1329b et seq., conferences with prosecutor, preliminary hearing or entry of 859a plea or misdemeanor plea, confirmation of 859a plea and sentencing ..... \$350.00
- 1402a(2) Arraignment on misdemeanor complaint, entry of initial plea, all conferences with defendant and/or prosecutor and pre-trials, discovery, readiness conferences and sentencing..... \$300.00
- 1402a(3) Written motions and/or evidentiary hearings, collectively, on a complaint.....~~\$50.00~~ \$60.00 per hour not to exceed a maximum of ~~\$150.00~~ \$180.00
- 1402a(4) Trial on misdemeanor complaint.....\$250.00 per day, \$150.00 per half day
- 1402a(5) Appointment to represent the same defendant in additional pending cases:  
Felony case.....\$150.00  
Misdemeanor case.....\$75.00  
Violation of Probation . Misdemeanor.....\$35.00  
Violation of Probation . Felony Complaint.....\$50.00
- 1402a(6) Appointment to represent a witness .....~~\$50~~ \$60.00 per hour not to exceed a maximum of ~~\$150.00~~ \$180.00
- 1402a(7) Probation violation hearings - Misdemeanor.....\$35.00
- 1402(a)(8) Probation violation hearings - Felony Complaint.....\$50.00
- 1402(a)(9) Mileage on Felony Complaint cases may be paid at current Court-approved rate in effect on the dates of service at the Court's discretion, and only if case is transferred from District where attorney was appointed to another courthouse exceeding 30 miles one-way from appointing District.

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**1402b Representation - Criminal Information or Indictment**

- 1402b(1) Arraignment on information or indictment, entry of plea, conference with defendant, discovery, conferences with prosecutor, review transcript of preliminary hearing, readiness conference, pre-trial calendar, change of plea and sentencing .....\$250.00 if new counsel,  
\$150.00 if same attorney was appointed on criminal complaint.  
Additional time reasonably expended by the existing attorney or new counsel shall be paid at the rate of ~~\$50.00~~ \$60.00 per hour at the discretion of the Court.
- 1402b(2) Additional Court appearance not for the convenience of the defense attorney..... \$50.00
- 1402b(3) Preparation and appearances regarding Petition to Revoke Probation .....\$195.00
- 1402b(4) Trial on information or indictment.....\$390.00 per day,  
.....\$195.00 per half day
- 1402b(5) Motion under Penal Code Section 995 or 1538.5 and evidentiary motions. Any increase shall be at the discretion of the Court.....\$195.00
- 1402(b)(6) Appointment to represent same defendant in additional pending criminal information/indictment cases.....\$150.00
- 1402(b)(7) Probation violation hearings additional pending criminal information/indictment cases.....\$50.00
- 1402(b)(8) Mileage on Felony information/indictment cases may be paid at current Court-approved rate in effect on the dates of service at the Court's discretion and only if case is transferred from district where attorney was appointed to another courthouse exceeding 30 miles one-way from appointing District.
- 1402c(1) Probation hearing, pronouncement of judgment and related post-trial motions .....\$50.00  
Additional time reasonably expended by attorney shall be paid at the rate of ~~\$50.00~~ \$60.00 per hour for time at the discretion of the Court.
- 1402c(2) Probation violation hearings..... \$50.00
- 1402d Appointment to represent a witness .....~~\$50.00~~ \$60.00 per hour  
not to exceed a maximum of ~~\$150.00~~ \$180.00

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(Former Criminal Rules, Rule 1329, eff. January 1, 2003. Renumbered as Criminal Rules, Rule 1402, eff. January 1, 2004. As amended, eff. July 1, 2005.)

Proposed Rule Changes

**RULE 1403 FEE SCHEDULE FOR APPOINTED CRIMINAL CASES -  
COMPLEX FELONY**

Complex felony billing rates must have express written approval of the Court unless the case and attorney were listed on the District Attorney's list of death penalty and LWOP cases during the dates of service on the attorney's service claim and attorney was appointed to the case prior to September 1, 1997. Upon application of counsel, prior to pre-trial, the criminal calendar Judge may designate complex, non-special circumstance cases as complex felonies, for which the following fee schedule will apply:

- 1403a Arraignment, entry of plea, conference with defendant, discovery, conferences with prosecutor, review transcript of preliminary hearing, readiness conference and pre-trial calendar....\$270.00  
Additional time reasonably expended by attorney shall be paid at the rate of ~~\$55.00 an~~ \$65.00 per hour for time at the discretion of the Court.
- 1403a(1) Motion under Penal Code Section 995 or 1538.5 and evidentiary motions.....~~\$55.00~~ \$65.00 per hour
- 1403a(2) Additional Court appearance not for the convenience of the defense attorney..... \$55.00
- 1403b Trial.....\$450.00 per day, \$250.00 per half day
- 1403c Probation hearing and pronouncement of judgment and related post-trial motions.....\$55.00
- 1403c(1) Probation violation hearings.....\$50.00
- 1403c(2) Appointment to represent same defendant in additional pending complex felony cases.....\$150.00
- 1403c(3) Appointment to represent a witness.....~~\$55.00~~ \$65.00 per hour
- 1403c(4) Probation violation hearings - additional pending complex criminal cases.....\$55.00
- 1403c(5) Preparation and appearances regarding Petition to Revoke Probation.....\$250.00
- 1403d Mileage may be paid at current court approved rate in effect on the dates of service at the Court's discretion, and only if case is transferred from District courthouse where attorney was appointed to another District courthouse exceeding 30 miles one-way from appointing courthouse, and only for mileage in excess of 30 miles.

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Former Criminal Rules, Rule 1330, eff. January 1, 2003. Renumbered as Criminal Rules, Rule 1403, eff January 1, 2004. As amended, eff. July 1, 2005.)

Proposed Rule Changes

**RULE 1404 FEE SCHEDULE FOR APPOINTED APPEALS CASES**

- 1404a Communications (including client/defendant, previous counsel)  
..... up to 3.5 hrs at ~~\$50.00~~ \$60.00 per hour, maximum of  
~~\$175.00~~ \$210.00
- 1404b Record Review.....60 pages per hour at ~~\$50.00~~ \$60.00 per hour
- 1404c Preparation of Proposed Statement on Appeal ..... ~~\$50.00~~ \$60.00  
per hour
- 1404d Motions  
Extension of time.....up to 0.5 hr at ~~\$50.00~~ \$60.00 per hour,  
maximum of ~~\$25.00~~ \$30.00  
Augment.....up to 1.5 hrs at ~~\$50.00~~ \$60.00 per hour, maximum  
of ~~\$75.00~~ \$90.00  
Other Motions.....Reasonable time at Court's discretion at ~~\$50.00~~  
\$60.00 per hour
- 1404e Appellant's Opening Brief  
Statement of Facts.....up to 1/3 of record review time at ~~\$50.00~~  
\$60.00 per hour  
Briefed Issues  
Very Simple.....up to 2.5 hrs at ~~\$50.00~~ \$60.00 per hour,  
maximum of ~~\$125.00~~ \$150.00  
Simple.....up to 4 hours at ~~\$50.00~~ \$60.00 per hour, maximum  
of ~~\$200.00~~ \$240.00  
Simple/Average.....up to 6 hours at ~~\$50.00~~ \$60.00 per hour,  
maximum of ~~\$300.00~~ \$360.00  
Average.....up to 8 hours at ~~\$50.00~~ \$60.00 per hour, maximum  
of ~~\$400.00~~ \$480.00  
Average/Complex.....up to 11 hours at ~~\$50.00~~ \$60.00 per hour,  
maximum of ~~\$550.00~~ \$660.00  
Complex.....up to 13.5 hours at ~~\$50.00~~ \$60.00 per hour,  
maximum of ~~\$675.00~~ \$810.00  
  
Unbriefed Issues  
Simple.....up to 0.5 hours at ~~\$50.00~~ \$60.00 per hour,  
maximum of ~~\$25.00~~ \$30.00  
Average.....up to 2.5 hours at ~~\$50.00~~ \$60.00 per hour,  
maximum of ~~\$125.00~~ \$150.00  
Complex.....up to 5 hours at ~~\$50.00~~ \$60.00 per hour,  
maximum of ~~\$250.00~~ \$300.00
- 1404f Reply Brief.....up to 1/3 of Appellant's Opening Brief recommendation

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- 1404g Supplemental Brief.....Appellant's Opening Brief issue standards
- 1404h Review of Opposing Counsel Brief .....up to 2.5 hours at ~~\$50.00~~  
\$60.00 per hour, maximum of ~~\$125.00~~ \$150.00  
.....0 hours if Wende
- 1404i Petitions  
Habeas.....up to 12 hours at ~~\$50.00~~ \$60.00 per hour,  
maximum of ~~\$600.00~~ \$720.00  
Petition for Rehearing.....up to 6 hours at ~~\$50.00~~ \$60.00 per hour,  
maximum of ~~\$300.00~~ \$360.00  
Petition for Review.....up to 10 hours at ~~\$50.00~~ \$60.00 per hour,  
maximum of ~~\$500.00~~ \$600.00  
Other Petitions.....Reasonable time at Court's discretion at ~~\$50.00~~  
\$60.00 per hour  
Review Response.....Reasonable time at the Court's discretion at ~~\$50.00~~  
\$60.00 per hour  
Reply to Response.....up to 1/3 of petition time at ~~\$50.00~~ \$60.00 per  
hour
- 1404j Oral Argument.....up to 7.5 hours at ~~\$50.00~~ \$60.00 per hour,  
maximum of ~~\$375.00~~ \$450.00
- 1404k Review Opinion....up to 1.5 hours at ~~\$50.00~~ \$60.00, maximum of ~~\$75.00~~  
\$90.00, up to 0.2 hours at ~~\$50.00~~ \$60.00 per hour if Wende, maximum of  
~~\$10.00~~ \$12.00
- 1404l Other Services  
Review Superior Court File....up to 2 hours at ~~\$50.00~~ \$60.00 per hour,  
maximum of ~~\$100.00~~ \$120.00  
Miscellaneous.....Reasonable time at Court's discretion at ~~\$50.00~~  
\$60.00 per hour
- 1404m Expenses  
Photocopying.....Up to \$.10 per page (10¢/pg), original receipts  
or detailed itemization required  
Postage.....Actual, if reasonable at the Court's discretion -  
original receipts required  
Telephone.....Actual, if reasonable at the Court's discretion -  
copy of bill or phone log required  
Travel.....Attorney mileage may only be reimbursed if  
authorized in advance by the Court, at the current Court approved rate in  
effect on the dates of service. Mileage reimbursement will generally  
only be authorized for travel for interviews to properly prepare a brief.

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Computerized Research.....Ordinary research not compensable  
Paralegal/Law Clerk.....Services on Appellate cases  
must have specific prior Court approval to be reimbursed, and will be  
reimbursed up to a maximum rate of \$25.00 per hour. If approved,  
services must be fully itemized as to specific dates, hours, and activities.  
Expert Witnesses, Investigator, Translator.....Services must  
have specific prior Court approval to be reimbursed, and will be  
reimbursed at the same rate allowed for criminal case appointments, and  
the misdemeanor rate for investigators (\$17.50 per hour). If approved,  
services must be fully itemized as to specific dates, hours, and activities.

(Former Criminal Rules, Rule 1341, eff. January 1, 2003. Renumbered as Criminal  
Rules, Rule 1404, eff. January 1, 2004. As amended, eff. July 1, 2005.)

Proposed Rule Changes



**RULE 1405 FEE SCHEDULE FOR APPOINTED CIVIL FAMILY LAW AND  
GUARDIANSHIP CASES**

**1405a Representation - Civil and Family Law Cases, Guardianship and  
Probate/Conservatorship Cases**

- 1405a(1) Appointment, entry of plea, conferences, includes case preparation and appearances.....\$300.00
- 1405a(2) Written motions and/or evidentiary hearings, collectively on a complaint  
.....~~\$50.00/hr~~ \$60.00 per hour not to exceed maximum of  
~~\$150.00~~ \$180.00
- 1405a(3) Trial on civil or family law complaint.....\$250.00 per day,  
\$150.00 per half day
- 1405a(4) Additional Court appearance not for the convenience of appointed  
attorney. ....\$50.00
- 1405a(5) Preparation and appearances regarding stipulated agreements.....\$50.00
- 1405a(6) ~~Hourly Rate for out of court preparation time reasonably expended at the~~  
~~1405a(8)~~ Hourly Rate for out of court preparation time reasonably  
expended at the Court's discretion.....~~\$50.00/hr~~ \$60.00 per hour

Former Criminal Rules, Rule 1340, renumbered as Criminal Rules, Rule 1417, and amended, eff. January 1, 2003. Renumbered as Criminal Rules, Rule 1405, eff. January 1, 2004. 2004. Amended, eff. July 1, 2004. ~~As amended and~~ January 1, 2005. As amended, eff. July 1, 2005.)

**RULE 1406 ACCOUNTINGS**

(a) If the conservatorship also involves the person of the conservatee, the accounting petitions shall state the conservatee's residences during the accounting period.

(b) Requests to waive interim accountings under Probate Code section 2628 may be made on an ex parte basis. All final accountings, including estates qualifying under section 2628, shall be set for hearing. In all cases in which the conservator seeks an order dispensing with a formal accounting pursuant to section 2628, the beginning and ending dates of the accounting period sought to be waived must be specified. An order dispensing with the filing of a formal accounting does not relieve the conservator from the duty of filing subsequent 2628 petitions or, where the estate no longer qualifies, a formal accounting pursuant to section 2620. If, after payment of Court-approved conservator's and attorneys' fees, it appears to the satisfaction of the Court that the estate will continue indefinitely to meet the requirement of section 2628, the Court may dispense with future accountings.

~~(c) Whenever a current or final account is filed, notice shall be mailed to the Court Investigator's office.~~

~~(d)~~ (c) If compensation is sought by either the attorney or the conservator for services rendered to the estate during the accounting period, the amount of compensation sought shall be specified in the petition. Such services should be set forth in sufficient detail to allow the Court to ascertain the reasonableness of the fees, including the time, date, description, and hourly charge for each service for which compensation is sought. No compensation shall be paid unless first authorized by the Court.

~~(e)~~ (d) Copies of investment account statements verifying the balance of cash and/or securities on hand shall be attached to all inventories and accountings. Letter verifications from the financial institution stating the balance as of the applicable date may be substituted for copies of statements. Substantial variation between the statement or verification and the balance reflected in the inventory or account shall be explained.

~~(f)~~ (e) Where payment for conservatorship services is requested to be allowed third persons acting on behalf of a conservator, those persons shall sign a verification stating that they performed the services on the dates specified and received payment in the amount set forth in the account. The verification shall be attached to the account for the period in which the services were rendered.

~~(g)~~ (f) Duplicating, telephone, fax and other costs in conservatorship estates- Ordinarily the Court will not allow reimbursement for costs of duplication of documents, (telephone calls, postage, FAX (except court charges), parking fees or ordinary mileage incurred by the attorney or Conservator, as these are part of overhead, and should be absorbed in fees or commissions. The Conservator is not reimbursed for the expenses of his or her trip to qualify, unless the Conservator is waiving his or her fee.

(Former Rule 1507, rev. Dec. 1993. Renumbered as Rule 1406 and amended, ~~eff.~~ July 1, 1998. Amended January 1, 2000. ~~Amended~~, July 1, 2003. ~~Amended, eff.~~ and January 1, 2005. As amended, eff. July 1, 2005.)

**RULE 1415 ORDINARY ATTORNEY SERVICE FEES**

The fee provisions in Chapter 14 will cover the usual and ordinary handling of an appointed case, including ordinary office expenses. However, expenses reasonably and necessarily incurred by counsel, including costs of service and process, copies of documents and long-distance telephone calls, may be reimbursed. Counsel must provide the Court with the original receipts for such expenses before any request for reimbursement or payment will be processed. Any single expense item in excess of \$50.00 must have specific prior Court approval to be reimbursed. Investigator and expert services must follow Rule 1451, et seq.

If an attorney appointed for a civil, family law or guardianship case covered by Rule 1405 requests the Court to authorize travel related to the case, travel reimbursement must follow the Administrative Office of the Courts (AOC) Travel Rate Guidelines in effect at the time of authorization regarding allowable travel expenses. The AOC Travel Rate Guidelines are incorporated into this Rule by reference, and are available from the Court's Executive Office. Attorneys must submit a travel plan complying with the AOC Travel Rate Guidelines to the Court for review and written approval prior to incurring expenses for travel.

(Former Criminal Rules, 1331, eff. July 1, 2000 and amended, eff. July 1, 2001. Renumbered as Criminal Rules, Rule 1415, and amended, eff. January 1, 2003.) ~~As amended,~~ Amended, eff. January 1, 2004. As amended, eff. July 1, 2005.)

**RULE 1441 APPOINTED COUNSEL FEES**

In each criminal case in which a person has been furnished services of an appointed counsel or investigator, upon appointment of counsel or investigator, the person ~~must be asked to pay a Registration Fee of a maximum of \$25.00 per Penal Code, section 987.5.~~ shall be required to submit to the Court a “Defendant Information Related to Assessment of Ability to Pay Court-Appointed Counsel Fees” form. Upon conclusion of the proceedings in criminal matters, the Court shall make a determination of the actual costs of providing such services per Penal Code §987.8. ~~Counsel~~ The appointed counsel or investigator shall be prepared at that time to submit itemized information as to the time they have devoted to the case. (Former Criminal Rule 1133, eff. April 1, 1985. Renumbered as Criminal Rules, Rule 1462, eff. July 1, 1998. Amended eff. July 1, 2000, January 1, 2004 and July 1, 2004. Renumbered as Rule 1441, eff. January 1, 2005. As amended, eff. July 1, 2005.)

**RULE 1451 APPOINTMENTS OF INVESTIGATORS, LEGAL RUNNERS AND OTHER EXPERTS**

All motions for appointment of investigators and other experts (medical, criminalists, etc.) are to be presented to the judge in the department of the Court where the case is assigned for appropriate orders. Such motions must state the billing rate, which billing rate shall be consistent with the Court's Professional Services Fee Schedule, and the maximum amount expected to be charged for the service of the investigator, expert or other, and must specify if special expenses, including the costs of other experts, travel other than mileage expenses, and any single expense item in excess of \$50.00, are to be authorized.

Investigator services should be limited to actual investigative work and related activities such as testimony. Appointed investigator services should not include activities that would normally be performed by attorney office staff, such as sorting discovery and indexing discovery notebooks, redacting discovery, ordering duplicates of photographs and tapes, preparing subpoenas and court orders, and mailing and transporting of discovery. Extraordinary amounts of time attending attorneys in court are discouraged unless testimony is involved. In-court time claimed by investigators must contain a brief statement for each day specifying why the investigator's presence in court was needed, or the time may be denied at the judge's discretion. Extraordinary amounts of time conferring with attorneys are discouraged unless it involves the investigator's direct services.

For time on standby at court, the description of the service should include a notation that service was performed at the request of the Court or defense counsel.

Legal runner services, when appointed by the Court, should be limited to photocopying, and transporting materials, orders and motions. Visitations to West Valley Detention Center must be associated with an allowable billable activity, and will be subject to the discretion of the Court.

Paralegal services must be performed under the direction and supervision of an active member of the State Bar of California consistent with the Business and Professions Code § 6450, et seq. The Court strongly discourages appointed paralegals from attending court proceedings. Appointments of paralegals shall generally be limited to capital or life without parole (LWOP) cases.

Motions for appointment of investigators and experts in capital cases involving indigent defendants will be made pursuant to the provisions of Penal Code Section 987.9 and Rule 1460.8. Mitigation specialists, when appointed by the Court, will be compensated up to a maximum of \$40.00 per hour, and services should be limited to gathering of information specifically related to mitigation defense and coordinating the various aspects of investigators, experts and witnesses for the penalty (mitigation) phase, and to activities which would not normally be performed by an investigator or paralegal appointed for the case pursuant to this Rule.

In non-capital cases not included under Section 987.9, motions for the appointment of investigators and experts to assist appointed counsel for indigent defendants must be supported by affidavit or declaration of ultimate facts indicating that

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the case or circumstances of the case are of such a nature as to require, in the interest of justice, the services of an investigator or other expert.

The provisions of this rule shall apply to all cases filed under Sections 601 and 602 of the Welfare and Institutions Code, except:

- (1) Motions shall be presented to the Presiding Judge of the Juvenile Court, or to such other judicial officers sitting in juvenile Court as the Presiding Judge shall designate; and,
- (2) All references to defendants shall be deemed to refer to minors

(Former Criminal Rule 1131, eff. May 27, 1982. Amended eff. April 1, 1985; July 1, 1988; Jan. 1, 1990; Jan. 1, 1991. Renumbered as Criminal Rules, Rule 1451 and amended July 1, 1998. Amended eff. July 1, 2000<sup>1</sup>, July 1, 2000, January 1, 2001, January 1, 2002, January 1, 2003, January 1, 2004<sup>2</sup>, and July 1, 2004. ~~As amended, eff. and~~ January 1, 2005. As amended, eff. July 1, 2005.)

**Rule 1460.2 Investigators and Legal Runner Fee Schedules**

Juvenile and Misdemeanor.....	\$17.50/hr.
Family Law and Guardianship .....	\$20.00 hr
General Felony.....	<del>\$20.00/hr.</del> <u>\$25.00/hr.</u>
<u>P.C. §190.2 Capital/Life Without Possibility of Parole (LWOP)</u>	
.....	<del>\$25.00/hr.</del> <u>\$30.00/hr.</u>
Legal Runner .....	\$15.00/hr
Mileage .....	Current Court-approved rate in effect for dates of service
Per diem (associated with authorized overnight travel)*.....	\$25.00/day

\*Excess charges greater than the \$25 allowance may be authorized at the Court's discretion under special circumstances, original receipts are mandatory to obtain reimbursement over the allowable per diem rate. Alcohol-related beverages will not be reimbursed.

(Former Appendix III, Rule 1460, eff. July 1, 1998. Renumbered as Criminal Rules, Rule 1460.2 and amended, eff. July 1, 2000. Amended January 1, 2002, ~~and~~ July 1, 2002-  
and As amended, eff. January 1, 2004. As amended, eff. July 1, 2005.)

**Rule 1460.3 Expert Fee Schedules**

Experts other than MD.'s and Ph.D.'s or equivalent will be compensated up to a maximum of \$80.00 per hour, \$350.00 for half day of testimony and \$600.00 for a full day of testimony. For subpoenaed testimony services, a copy of the subpoena must accompany the claim. Transcription services are deemed to be an expert service; compensation for transcripts will be ~~up to a maximum of \$3.00 per page~~ at the lowest commercially-available rate. Compensation for paralegal services will be up to a maximum of \$35.00 per hour. Compensation for Penalty Phase Coordinators on death penalty cases will be paid up to a maximum of \$40.00 per hour. (See Criminal Rules, Rule 1451.)

M.D.'s and Ph.D.'s or equivalent will be compensated up to a maximum of \$95.00 per hour unless otherwise covered under the Court's Professional Services Fee Schedule or Rule 1460.7. For subpoenaed testimony services, a copy of the subpoena must accompany the claim.

Expert mileage will be paid at the current Court-approved rate in effect for dates of service.

(Former Criminal Rule 1460.4, eff. July 1, 1998. Renumbered as Criminal Rules, Rule 1460.3 and amended, eff. July 1, 2000. Amended, January 1, 2002, July 1, 2001, January 1, 2003, ~~and January 1, 2004.~~ ~~As amended, eff. and January 1, 2005.~~ As amended, eff. July 1, 2005.)